

RESOLUTION NO. A-_____

1 WHEREAS, under the provisions of Article XI, Section 4, of the Constitution of the
2 State of Nebraska, a proposed Charter amendment may be submitted to a vote of the qualified
3 electors at a special election proposed by the City Council of the City of Lincoln, Nebraska:

4 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln,
5 Nebraska:

6 1. That at the primary election to be held on Tuesday, the 13th day of May,
7 2008, there shall be submitted to a vote of the qualified electors of the City of Lincoln, Nebraska,
8 for adoption or rejection, the following proposed amendment to the Charter of the City of Lincoln:

CHARTER AMENDMENT

10 Amend Article VII, Section 5 of the Charter relating to conflicts of interests in city
11 contracts to prohibit elected officials and department directors from entering into contracts with the
12 city either individually or through a business in which he or she has a direct or indirect ownership
13 interest and to require that a declaration of a conflict of interest must be recorded in the minutes
14 of the meeting when so declared; to clarify that unfulfilled portions of contracts in violation of the
15 conflict of interest provisions may be voided by the mayor or city council; and to gender neutralize
16 the existing language.

17 ARTICLE VII
18 CONTRACTS AND PURCHASES

19 **Sec. 5. ~~No Officer Interested in City Contract - Conflict of Interest.~~ No**
20 **elected official or department director shall contract with the city, individually or**
21 **through a business in which he or she has a direct or indirect ownership interest.**
22 **If any councilman member, the mayor, or any employee of the city has a significant**
23 **financial interest, direct or indirect or by reason of ownership of stock, in any**
24 **contract or other business dealings with the city, or in any action of the city**
25 **government relating to the public or private development of land, or if any member**
26 **of any city board or commission has a significant financial interest, direct or indirect**
27 **or by reason of ownership of stock, in any matter before the body on which ~~he~~ they**

1 serves, ~~he~~ then they shall declare that interest to be recorded in the minutes and
2 shall refrain from voting upon or otherwise participating in the making of the contract
3 or the taking of the action, in which ~~he has~~ they have a financial interest.

4 Procedures for the making and filing of declarations of financial interest shall
5 be established by ordinance.

6 Any officer or employee designated in this section who willfully conceals
7 such financial interest or willfully conceals the requirements of this section shall
8 forfeit ~~his~~ their office or position and shall be guilty of a misdemeanor, punishable
9 by a fine not to exceed \$100 or by imprisonment for not to exceed six months. Any
10 violation of this section with the actual knowledge of any person or corporation con-
11 tracting with the city shall render the unfulfilled portion of the contract voidable by
12 the mayor or council.

13 No officer or employee of the city shall receive any pay from the city other
14 than ~~his~~ their salary. The council shall not appropriate or pay any money or other
15 valuable thing to any person not an officer or employee for the performance of any
16 act, service, or duty, the performance of which is within the proper scope of the
17 duties of an officer or employee of the city, unless the same is specially appropriated
18 and ordered by majority vote of the council.

19 Said amendment shall be submitted to the qualified electors as a Charter
20 amendment of Article VII, Section 5 on the ballot and shall be printed on said ballot in the following
21 form:

22 "CONFLICTS OF INTEREST IN CITY CONTRACTS

23 CHARTER AMENDMENT -- AMEND ARTICLE VII, SECTION 5 OF THE
24 CHARTER TO PROHIBIT ELECTED OFFICIALS AND DEPARTMENT
25 DIRECTORS FROM ENTERING INTO CONTRACTS WITH THE CITY AND TO
26 REQUIRE THAT A DECLARATION OF A CONFLICT OF INTEREST BE
27 RECORDED; TO CLARIFY THAT CONTRACTS IN VIOLATION OF THE
28 CONFLICT OF INTEREST PROVISIONS MAY BE VOIDED BY THE MAYOR
29 OR CITY COUNCIL; AND TO GENDER NEUTRALIZE THE EXISTING
30 LANGUAGE.

31 SHALL ARTICLE VII, SECTION 5 OF THE CHARTER OF THE CITY OF
32 LINCOLN BE AMENDED TO PROHIBIT ELECTED OFFICIALS AND
33 DEPARTMENT DIRECTORS FROM ENTERING INTO CONTRACTS WITH THE
34 CITY AND TO REQUIRE THAT A DECLARATION OF A CONFLICT OF
35 INTEREST BE RECORDED; TO CLARIFY THAT CONTRACTS IN VIOLATION
36 OF THE CONFLICT OF INTEREST PROVISIONS MAY BE VOIDED BY THE
37 MAYOR OR CITY COUNCIL; AND TO GENDER NEUTRALIZE THE EXISTING
38 LANGUAGE?

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VOTE FOR or AGAINST

- ☐ I vote FOR the proposed amendment.
- ☐ I vote AGAINST the proposed amendment."

2. That the City Clerk of the City of Lincoln is hereby directed to publish with her official certification, three times, and a week apart, the full text of the proposed amendments to be voted upon, as required by law, all as required by the Constitution of the State of Nebraska.

3. That the Mayor be and hereby is directed to proclaim and give notice that at the primary election to be held in the City of Lincoln, Nebraska, on Tuesday, the 13th day of May, 2008, there will be submitted to the qualified electors of the City of Lincoln, Nebraska, for adoption or rejection, the proposition set forth in Section 1 hereof, and the City Clerk is directed to publish the said proclamation as provided by law.

4. That the City Clerk of the City of Lincoln is further directed to notify the Election Commissioner of Lancaster County of the submission of this proposition, and to procure the necessary ballots and make all other necessary arrangements for the same.

Introduced by:

Approved as to Form and Legality:

City Attorney

Approved this ____ day of _____, 2008:

Mayor